

**BEFORE THE EXECUTIVE DIRECTOR AND FIRST APPELLATE AUTHORITY
INSOLVENCY AND BANKRUPTCY BOARD OF INDIA**

2nd Floor, Jeevan Vihar Building
Sansad Marg, New Delhi- 110 001

Dated: 9th November, 2021

RTI Appeal Registration No. ISBBI/A/E/21/00028

IN THE MATTER OF

David Arockia

... Appellant

Vs.

Central Public Information Officer

The Insolvency and Bankruptcy Board of India

2nd Floor, Jeevan Vihar Building

Sansad Marg, New Delhi- 110 001.

... Respondent

ORDER

1. The Appellant has filed present Appeal dated 17th October 2021, challenging the communication of the Respondent dated 6th October 2021 with regard to his RTI Application No. ISBBI/R/E/21/00152 dated 09th September 2021 filed under the Right to Information Act, 2005 (RTI Act).
2. I have carefully examined the Application, the response of the Respondent and the Appeal and find that the matter can be decided based on the material available on record. I note that the Appellant had, in his Application, stated that he has not heard anything from IBBI on his complaint No. IBBI/C/2021/00535 where he has registered his grievance as his salaries for May 2021 and June 2021 have not been paid by SICAL Logistics Ltd.. He has also stated that the case progress is not known to him and accordingly, he has requested IBBI to speed up the concern so that his salaries can be paid sooner. In the Appeal, the appellant has stated that RP/IRP did not care to address his grievance over non-payment of salaries, and they are not running the company's affairs professionally. Accordingly, he has requested that a thorough investigation must be done in a speedy manner to know the truth.

3. In terms of section 2(f) of the RTI Act *‘information’ means any material in any form, including records, documents, memos e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force.*”
It is pertinent to mention here that the Appellant’s *“right to information’* flows from section 3 of the RTI Act and the said right is subject to the provisions of the Act. Section 2(j) of the RTI Act defines the *“right to information”* in terms of information accessible under the Act which is held by or is under the control of a public authority.
4. The aforesaid definitions contemplate providing of material in the forms of records, documents, opinions, advices, etc. It does not include giving opinions or initiating actions on representations/complaints as asked by the Appellant. The apprehensions, inquisitions and hypothecations of the Appellant in my view, are beyond the scope of right to information under the RTI Act. The grievances of the Appellant cannot be dealt under RTI Act. The Hon’ble CIC in *M Jameel Basha Vs. CPIO, Ministry of Personnel Public Grievances & Pension, Department of Personnel & Training, North Block, New Delhi -110001, File No: CIC/MPERS/A/2017/158527/SD* (Decision dated 06.05.2019), has observed the following:
“Commission concedes with the submission of the CPIO as no information has been sought as per Section 2(f) of the RTI Act. It may be noted that under RTI Act, CPIO is not supposed to create information or interpret/clarify/deduct information in respect of queries/clarifications. Similarly, redressal of grievance, non-compliance of rules, contesting the actions of respondent public authority and suggesting correction in government policies are outside the purview of the RTI Act.”
5. I note that the Respondent had clearly informed the Appellant that his complaint is under examination. I do not find any reason to disbelieve the Respondent. I find that the obligation of the Respondent under the RTI Act is to provide the information which should be identifiable and available in the records of IBBI. In this regard, the Hon’ble Supreme Court of India in its judgment dated August 9, 2011 in the matter of *Central Board of Secondary Education & Anr. Vs. Aditya Bandopadhyay & Ors., inter alia*, held that the RTI Act provides access to all information that is available and existing.
6. In view of the above, I find that there is no need to interfere with the decision of the respondent. The appeal is accordingly dismissed.

7. While parting with this order, I hereby clarify that this order shall not be considered as expression of any opinion on the merits of the complaint No. IBBI/C/2021/00535 of the Appellant. The Appellant is at liberty to take up his complaint with IBBI or any other authority having jurisdiction to redress the same in accordance with law.

Sd/
(Santosh Kumar Shukla)
First Appellate Authority

Copy to:

1. Appellant, David Arockia.
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